



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Office Consolidation

Unauthorized Parking By-law 104-2018

To regulate unauthorized parking on boulevards, side yards and front yards

WHEREAS section 11 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, authorizes a local municipality to pass by-laws necessary or desirable for the public, including parking and traffic on highways, and parking except on highways.

AND WHEREAS subsection 102.1(1) of the *Municipal Act, 2001* permits a municipality to require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

AND WHEREAS Council for The Corporation of the City of Brampton deems it necessary to regulate unauthorized parking; NOW THEREFORE the Council of The Corporation of the City of Brampton ENACTS as follows:

NOW THEREFORE, the Council of The Corporation of the City of Brampton ENACTS as follows:

Definitions

1. In this By-law:
 - a. **Boulevard** means that portion of the road allowance which is not used as a sidewalk, driveway access, travelled roadway or shoulder;
 - b. **By-law** means this by-law;
 - c. **City** means The Corporation of the City of Brampton;
 - d. **Director** means the City's Director of Enforcement and By-law Services, and his or her designate;
 - e. **Emergency Vehicle** means an ambulance, fire department vehicle or police vehicle;
 - f. **Front Lot Line** means any lot line of the lot abutting a street;
 - g. **Front Yard** means a yard extending across the full width of a lot measured between the front lot line and the nearest part of a building on the lot;
 - h. **Highway** includes a common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is used or intended for use by the general public for the passage of vehicles, and includes the entire area between its lateral property lines. Without limitation, highway includes un-assumed and unopened road allowances;

- i. **Lot** means a parcel of land within the City's territorial limits which is:
 - i. shown as a lot or block on a registered plan of subdivision; or
 - ii. described in a single Transfer/Deed of Land of legal effect registered in the Land Registry Office for the Region of Peel;
- j. **Lot Line** means the boundary of a Lot;
- k. **Manager** means the City's Manager, By-law Enforcement;
- l. **Motor Vehicle** means an automobile, motorcycle, motor-assisted bicycle and any other vehicle propelled or driven otherwise than by muscular power;
- m. **Officer** means each of:
 - (a) the Director;
 - (b) the Manager;
 - (c) a Municipal Law Enforcement Officer appointed by Council or by the Director to enforce this By-law; and
 - (d) a police officer employed by a municipal police force or by the Ontario Provincial Police;
- (14) **Person** includes an individual, association, firm, partnership, corporation, trust, organization, trustee, or agent, and their heirs, executors, or legal representatives;
- (15) **Rear Lot Line** means the Lot Line opposite the Front Lot Line;
- (16) **Rear Yard** means a Yard extending across the full width of a Lot measured between the Rear Lot Line and the nearest part of a building on the Lot;
- (17) **Side Lot Line** means any Lot Line other than a Front or Rear Lot Line;
- (18) **Side Yard** means a Yard extending from the Front Yard to the Rear Yard measured between the Side Lot Line and the nearest part of a building on the Lot;
- (19) **Street** means a public Highway or road allowance having a minimum width of 12.0 metres;
- (20) **Surfaced** means, when used to describe a driveway, aisle, parking space, parking area or loading space, an area covered with asphalt, concrete interlocking brick or block, crushed stone, gravel, slag or other material capable of providing and maintaining a hard dust free surface;
- (21) **Unauthorized Area** means boulevard, front yard or side yard;
- (22) **Yard** means an open space on a Lot appurtenant to a building and unoccupied by buildings or structures.

Prohibition

- 2. No Person shall park, stand or stop a Motor Vehicle in an unauthorized area.
- 3. No Person shall permit the parking, standing or stopping of a Motor Vehicle in an unauthorized area.
- 4. If compliance would be impractical, sections 2 and 3 of this By-law shall not apply to:
 - (1) Emergency Vehicles;
 - (2) Motor Vehicles while engaged in works undertaken for or on behalf of the City of Brampton, Region of Peel or other public utility; or

- (3) Motor Vehicles engaged in activities authorized by a Road Occupancy Permit or a Special Events Permit issued by the City.

Order to Discontinue

5. (1) Where an Officer is satisfied that a Person has contravened this By-law, the Officer may make an order requiring the Person who contravened the By-law or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
 - (2) An order under subsection 5(1) shall set out:
 - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
 - (b) the date by which there must be compliance with the order.
6. Every Person shall comply with an order issued pursuant to section 5 of this by-law.

Service of Order

7. Service of an order to discontinue on a Person may be given in writing in any of the following ways and is effective:
 - (1) when a copy is personally delivered to the Person to whom it is addressed;
 - (2) on the fifth (5th) day after a copy is sent by registered mail to the Person's last known address;
 - (3) upon the conclusion of the transmission of a copy by facsimile transmission to the Person's last known facsimile transmission number; or
 - (4) upon the sending of a copy by e-mail transmission to the Person's last known e-mail address.

Conflict

8. This By-law shall not be construed to reduce or mitigate any restrictions or regulations lawfully imposed by the City or by any governmental authority having jurisdiction to make such restrictions or regulations.
9. If there is a conflict between a provision of this By-law and a provision of any other City By-law, the provision that establishes the higher standard to protect the health and safety of the public and to maintain clean and tidy condition on Land shall apply.

Administrative Penalty

10. Every Person shall, when given a penalty notice in accordance with the City's Administrative Monetary Penalty By-law, be liable to pay to the City an administrative penalty in the amount specified in the City's Administrative Monetary Penalty System By-law Number 333-2014, as amended.
11. An Officer may, upon observing any Motor Vehicle parked, stopped or standing in contravention of this By-law, cause it to be moved or taken away and stored in a suitable place. Towing may occur in addition to any other enforcement mechanism. All costs and charges for removing, taking

away and storage shall be a lien upon the Motor Vehicle which may be enforced in the manner provided by the *Repair and Storage Liens Act*, R.S.O 1990, c. R.25.

General Provisions

12. This By-law may be referred to as the Unauthorized Parking By-law.
13. If a court of competent jurisdiction declares any provision or part of a provision of this By-law invalid, the provision or part of a provision is deemed severable from this By-law and it is the intention of City Council that the remainder of the By-law shall continue to be in force.
14. This By-law shall come into force on the date of its passing.

ENACTED and PASSED this 30th day of May, 2018.

THE CORPORATION OF THE CITY OF BRAMPTON

Original signed by:
Linda Jeffrey – Mayor
Peter Fay – City Clerk